



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/541,388

07/01/2005

Gudrun Rappold-Hoerbrand

2951-140

6384

6449

7590

09/29/2006

ROTHWELL, FIGG, ERNST & MANBECK, P.C.
1425 K STREET, N.W.
SUITE 800
WASHINGTON, DC 20005

EXAMINER

SAOUD, CHRISTINE J

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Applicant's preliminary amendment filed 01 July 2005 has been received and entered. Claims 6-7, 11, 15 and 17 have been amended. Claims 1-17 are currently pending.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1, 6, 7, 11, 12 and 17, drawn to pharmaceutical compositions of natriuretic peptide.

Group II, claims 2, 3, 13-14, drawn to pharmaceutical compositions of natriuretic peptide and growth hormone.

Group III, claims 4, 5, 8-10, 15 and 16, drawn to pharmaceutical compositions of natriuretic peptide and SHOX protein.

The inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature for the following reasons: the prior art recognizes the special technical feature of claim 1, namely, pharmaceutical compositions of natriuretic peptide. See WO 02/074234. It is noted that the claims

Art Unit: 1647

recite intended use, however, this bears no patentable weight on the compositions, which would be the same regardless of how they are used. Therefore, this cannot serve as a basis for unity of invention and unity of invention does not exist. The technical feature of Group I is the pharmaceutical compositions of natriuretic peptide. The technical feature of Group II is the pharmaceutical compositions of natriuretic peptide and growth hormone in combination. The technical feature of Group III is the pharmaceutical compositions of natriuretic peptide and SHOX protein in combination.

Conclusion

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Christine J. Saoud whose telephone number is 571-272-0891. The Examiner can normally be reached on Monday-Friday, 6AM to 2:30PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Brenda Brumback can be reached on 571-272-0961. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1647

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHRISTINE J. SAOUD
PRIMARY EXAMINER

Christine J. Saoud